



U.S. Commission on International Religious Freedom Hearing on the Implications for Religious Freedom of Russia's Invasion of Ukraine

March 15, 2023

Thank you very much for inviting me to testify at this important hearing.

In the year since Russia's full-scale invasion of Ukraine, its forces have perpetrated a catalogue of atrocities and other abuses there. At home, the Kremlin has decimated what had been a robust, vibrant civil society and laid waste to key fundamental freedoms.

It is important to note that the muzzling of Russian citizens did not emerge in a vacuum, but is the result of a decade of step-by-step repression, starting in 2012, with the Kremlin's response to unprecedented mass pro-democracy and anti-corruption protests.

It accelerated in critical moments: in 2014, in response to the Maidan uprising in Ukraine, Russia's occupation of Crimea, and its instigation of a proxy war in Donbass; in 2018, in the lead-up to the 2018 Russian presidential elections; and in 2020, in response to the mass country-wide protests over election fraud in neighboring Belarus.

With the full-scale invasion in 2022, the Kremlin has sought to militarize Russian society and double down on an all-out drive to eradicate all public dissent. Russian public life is unrecognizable as compared to even 18 months ago, when authoritarian autocracy was already deeply entrenched.

I will describe key elements of this endeavor. But first let me say that efforts to annihilate civil society are related to religious persecution in three main ways. First, the authorities abuse Russia's extremism and terrorism laws to both to persecute religious minorities and to silence secular critics. Second, the dismantling of civil society means eradicating autonomous initiatives that have an approach to public affairs that differs from that of the authorities, or that outright challenge them. The authorities are deeply suspicious of institutions, be they nongovernment organizations, political parties, or religious confessions, that they do not control. Third, the authorities aggressively push "traditional Russian values" and demonize culture and ideas that they deem as at variance with them. If the government cannot control a religious community, the impulse is to deem it a threat to "Russian traditional values."

Russia has gone about decimating civil society largely through the adoption and enforcement of a web of repressive laws. Most recent have been the war censorship laws, but the centerpiece has been the "foreign agents' legislation. The "undesirable" foreign organizations law and extremism and terrorism laws have also played a role.

I will highlight key aspects of these laws and their enforcement. For a fuller description, please see my written testimony, which I have submitted for the record.

We cannot predict the future of Russia's war against Ukraine, what the future steps the Kremlin will take to punish dissent, or when prospects will improve for civil society in Russia. We don't need to know the answers to these questions to know that the future of fundamental freedoms in Russia is with Russia's independent activists and voices, those who remain in Russia and those who are in exile. The U.S. needs to support them by ensuring their projects are funded, by expanding scholarships, fellowships, apprenticeships, and other opportunities in the United States, and by ensuring they can secure multi-year, multi-entry visas. They need and deserve your support.

War Censorship

The most recent and radical tool the government has used to decimate civil society has been the [war censorship laws](#), which largely eviscerated freedom of expression in Russia. Rapidly adopted almost exactly a year ago, these laws effectively outlaw anti-war speech and protest by criminalizing spreading information about the conduct of Russian armed forces that deviates from official information, condemning the war or calling for withdrawal of troops. The maximum penalty is 15 years' imprisonment. Later amendments expanded these provisions to penalize "discrediting" the actions of any Russian state agencies abroad. Further amendments are pending adoption that would expand these laws to cover information about all entities and individuals who assist in the war, including private military companies, such as the Wagner Group.

An exodus by independent Russian and foreign media outlets, which had started shortly after the invasion, continued after the laws' adoption due to concerns for journalists' security. Several prominent outlets relocated outside Russia or switched to alternative platforms for broadcasting, such as social media. The authorities closed several other prominent independent outlets, including Novaya Gazeta, whose chief editor had been awarded the Noble Prize for Peace in 2021, and Echo of Moscow, one of the country's oldest and most prominent independent media outlets.

Numbers vary, but hundreds are facing criminal prosecution under these laws and thousands have faced administrative offence charges. According to Russian human rights watchdogs, almost half of the criminal cases were against journalists, bloggers, or civic activists.

The charges proved a convenient tool against prominent opposition figures, such as [Ilya Yashin](#), who was sentenced to years 8.5 years in prison for public criticism of Russian forces' attacks on civilians. A few others include Aleksey Gorinov, a deputy of a Moscow municipal council, who received a sentence of seven years' imprisonment for delivering an anti-war speech during a council meeting, and activist Alexandra Skochilenko. She has been in pretrial detention since April on "false information" charges for replacing price tags in a grocery shop with information about the war in Ukraine to attract attention to civilian casualties. An opposition politician and former Yekaterinburg Mayor, Yevgeniy Roizman, was charged with "discreditation" for using the term "invasion." The authorities have prosecuted and thrown behind bars other, less high-profile individuals. Most recently, on March 7, a court in Moscow [sentenced](#) Dmitry Ivanov, a blogger and university student, to 8.5 years in prison on false information charges for his posts about violations by Russian forces in Ukraine.

The authorities have used these charges to detain and fine individuals who have publicly held posters or made inscriptions with the 6th commandment, Thou Shalt Not Kill, or with biblical verse to protest the war. We are aware of several cases in which clergy have been charged or fined for making anti-war statements in their sermons. We are also aware of a case in which an individual was fined for holding a sign quoting the Dalai Lama's views about militarism.

As this commission has already reported, a priest, Dmitry Kurmoyarov, is in pre-trial detention facing charges of spreading "fakes" about the army for stating on video that Russian soldiers in Ukraine will not go to heaven but to hell.

Legislators also expanded the Prosecutor General's powers to block websites extrajudicially, including for spreading "fakes" and "discrediting" information about the war. It also received powers to issue perpetual blockings after repeated violations without judicial control. They also received powers to stop broadcasts and withdraw mass media licenses. The authorities blocked more than ten thousand web resources for opposing the war or reporting on it, [according to](#) Roskomsvoboda, a leading online rights monitoring project. Among them are all major independent news outlets and websites of human rights organizations such as Human Rights Watch and Amnesty International whose Russia offices were shut down by the government six weeks into the full-scale Ukraine invasion.

Foreign Agents

Before 2022, Russia's "foreign agents" legislation was the centerpiece of the government's crackdown on civil society. Adopted in 2012, it required NGOs to register as "foreign agents" if they received any amount of foreign funding and engaged in broadly defined "political activity," to mark all public "materials" with a "foreign agent" label, and to comply with onerous reporting requirements and inspections.

Every few years, amendments harshened and expanded this toxic law. For example, in 2014, parliament adopted amendments authorizing the Justice Ministry to designate groups as such without their consent. In 2017, parliament adopted a law seemingly targeting certain foreign media as "foreign agent media." In 2019, additional amendments to the law expanded the application of the "foreign agent media" concept to individuals, including Russian nationals, and to Russian organizations. Laws adopted in 2020 and 2021 drastically widened the scope of "foreign agents" to include individuals and unregistered groups and expanded the definition of funding sources that could trigger a "foreign agent" designation, expanded the inspection regime, and introduced new labeling requirements.

In 2022, a new law created a consolidated, simplified, but drastically broad definition of foreign agent: now it could be any person, Russian or foreign; any legal entity, either domestic or international; or any group that received foreign support, which could be even a training held abroad, and/or is "under foreign influence."

The 2022 law also excluded "foreign agents" from public life, including bans on civil service, teaching children, involvement in political parties, and an entire array of other civic and private activities, such as operating telecommunication networks.

Penalties for noncompliance start with hefty fines, but also include up to six years in prison.

Hundreds of organizations and individuals working on human rights, civic education, environmental issues, humanitarian assistance and social welfare issues, and media freedoms and democratization have been designated as “foreign agents.”

In late 2021 the [authorities liquated Memorial](#), one of Russia’s oldest and most venerated human rights groups, over its alleged noncompliance with the “foreign agents” law. One of Memorial’s key projects had been to maintain a database of political prisoners, which included victims of religious persecution, such as Jehovah’ Witnesses, and adherents of certain Islamic religious groups. This important work, however, continues from abroad, and from inside Russia, and under a new project that is registered abroad. It is called the Center for Human Rights—Memorial. I urge you to subscribe to its [Telegram channel](#) which is embedded in my written testimony.

In February, authorities evicted the Sakharov Center in Moscow, a unique space for exhibits, discussions, and other human-rights themed events, from its premises, citing the foreign agents law. This effectively closed the organization. Russian authorities do not always resort to the foreign agents law to annihilate independent groups—in 2023, they [shut down](#) the [Moscow Helsinki Group](#), the oldest human rights organization in the country, on petty bureaucratic pretexts.

Memorial, the Sakharov Center, and other groups have spent enormous amounts of time and resources in litigation, contesting the designation and challenging allegations that they had violated the law. Few were successful. They have paid colossal fines that are extremely burdensome even to large organizations, and fatal for smaller groups with fewer resources.¹

The “foreign agent” definition is so broad and vague that it effectively extends to all aspects of advocacy and human rights work.

For example, over the years, Russian authorities interpreted it to include submissions to a UN human rights treaty body,² a third-party (amicus curiae) submission to the Constitutional Court, reposts of media articles in social media, letters by environmental activists supporting habitats and indigenous peoples’ rights, public opinion surveys and sociological studies, HIV prevention and harm reduction associated with drug use,³ and assisting diabetes patients.⁴

“Undesirable” Foreign Organizations

Since 2015, Russia’s repressive “undesirables” law has allowed the Prosecutor General’s Office to designate as “undesirable” any foreign or international organization that allegedly undermines Russia’s

¹ The maximum fine of up to 5 million rubles was introduced for the mass media designated as foreign agents for “malicious” non-compliance in case of more than two prior fines on the same charges. The respective amendments to the Code of Administrative Offences were introduced in February 2021 (see below). These provisions were superseded by the new law unifying the “foreign agents” legislation that entered into force in December 2022 and corresponding amendments to the Code of Administrative Offences in December 2022 (see also below).

² “UN rights body voices concern as Russia orders NGO to register as ‘foreign agent’” UN News, December 23, 2013, <https://news.un.org/en/story/2013/12/458492-un-rights-body-voices-concern-russia-orders-ngo-register-foreign-agent>

³ See M.A. Kanevskaya, M.V. Olenichev, T.K. Cherniyeva, “10 Stories: A Chronicle of NGO – “Foreign Agents” Survival,” Human Rights Resource Center, 2018, pp.18, 33-34, 44, 50, 59, 67, 74, 80,

http://fingramugra.ru/f/10_istorij_hronika_vyzhivaniya_nko_inostrannyh_agentov.pdf

⁴ Vitaly Kropman, “Diabetes patients’ society designated a foreign agent in Saratov,” *Deutsche Welle*, May 28, 2018, <https://www.dw.com/ru/общество-больных-диабетом-признали-иностранным-агентом-в-саратове/a-43964794-0>

security, defense, or constitutional order.⁵ The organization must then cease its activities in Russia, and Russian citizens' continued involvement with such organizations carries a criminal penalty. Amendments adopted in 2022 effectively allowed Russian law enforcement to prosecute activists for any involvement outside Russia's borders under "undesirables" charges. For example, a Russian activist who traveled abroad to participate in a conference that was co-organized by a blacklisted organization could risk criminal prosecution and imprisonment.

As of February 2023, 74 organizations were blacklisted as "undesirable," while Russian authorities continue to expand the law to widen the scope of people who can be designated "undesirable" and of what constitutes "involvement." Around a third are American donor organizations, such as the National Endowment for Democracy and the Open Society Foundations. They also include the National Democratic Institute and, in a bit of unwitting bipartisanship, the International Republican Institute, and also such think tanks as The Woodrow Wilson Center. Even Bard College was designated. Transparency International made the latest addition to the list in March this year. The list includes several religious organizations, such as Falun Gong.

Another recent designation, in January 2023, was the Sakharov Foundation registered in the US. The designation smeared the legacy of Andrey Sakharov—the Nobel Peace Prize laureate who was one of the founders of the Soviet human rights movement. It also endangered the Sakharov Center in Moscow, the holder of Sakharov's archives, as well as numerous human rights defenders, independent journalists, pro-democracy activists and scientists, and cultural figures associated with the center in Russia.⁶

The authorities accused several other human rights groups and investigative media outlets with being linked to "undesirables." For example, in July 2021, the human rights project Team 29 announced its dissolution after the group learned that the Russian authorities equated it with Czech NGO "Společnost Svobody Informace," which was earlier banned as undesirable by the Russian authorities.⁷

In 2022, two activists indicted on "undesirables" charges were sentenced to several years in prison. In May, Mikhail Iosilevich, an activist and entrepreneur, was sentenced to 20 months in prison for allegedly providing space at his café for an event organized by an alleged "undesirable organization."⁸ In July 2022, Andrey Pivovarov was sentenced to four years in prison on charges of leading an "undesirable organization," even though he had stepped down from his post in that group.⁹

Extremism

Russian authorities have for years abused extremism and terrorism laws to target individuals and organizations who pose no actual threat and are simply viewed as politically inconvenient for the authorities. This is the same body of law the authorities have used to imprison members of such

⁵ Federal Law N 129-FZ "On amendments of some legislative acts of the Russian Federation" (the Law on undesirable organizations).

⁶ Tanya Lokshina, "Russia Designates Another Rights Organization as 'Undesirable,'" HRW Dispatch, January 24, 2023, <https://www.hrw.org/news/2023/01/24/russia-designates-another-rights-organization-undesirable>

⁷ "Team 29 no longer exists." Human rights organization announces its shut down," BBC Russian Service, July 18, 2021, <https://www.bbc.com/russian/news-57881681>

⁸ "Authorities Double Down on Persecuting 'Undesirables,'" press release, Human Rights Watch, May 27, 2022, <https://www.hrw.org/news/2022/05/27/russia-authorities-double-down-persecuting-undesirables>

⁹ Damelya Aitkhozhina, "UN must act now to stop Russia's growing crackdown on activism and free speech," Op-ed, Open Democracy, August 2, 2022, <https://www.hrw.org/news/2022/08/02/un-must-act-now-stop-russias-growing-crackdown-activism-and-free-speech>

religious communities as Jehovah’s Witnesses (designated as “extremist” in 2017) and members of Nurdzhular, Hizb ut-Tahrir (designated a “terrorist” organization in 2003). Prison sentences against alleged Hizb ut-Tahrir span up to 24 years, and against Jehovah’s Witnesses, eight years. The arrests, police raids, criminal prosecutions, detention, and the like are an ordeal for the accused and their families.

The authorities also selectively enforce these laws against non-violent individuals who hold critical views of the government, intentionally conflating criticism of the government with violent extremism.

One of the most prominent “extremist” designations was Meta, the parent company of Facebook. A less prominent designation, in December 2022, was the youth movement, Vesna [Spring], which spoke out against Russia’s war in Ukraine and encouraged peaceful assemblies to protest it. Its [members face criminal prosecution](#) under other charges not related to extremism.

Perhaps the most prominent figure targeted is Alexei Navalny, the Russian opposition leader and anti-corruption crusader who narrowly survived an assassination attempt, widely believed to have been at the hands of Russia’s security services, with the use of the nerve agent, Novichok. He has been indicted under extremism charges, [among others](#), for leading three organizations that the authorities have designated “extremist.”

People who staffed and volunteered at these organizations are at risk of being targeted with extremism charges. Lilia Chanysheva, the former head of Navalny’s team in Ufa, has been behind bars since her November 2021 arrest on unsubstantiated charges of leading an extremist group.

In 2022, dozens were fined on charges of displaying “extremist” symbols for social media posts that included or mentioned symbols of Navalny’s “Smart Voting” electoral project, displayed the logo of the Foundation Against Corruption, or showed old photos taken with Navalny.

In 2021, parliament adopted a law banning, with retroactive effect, individuals affiliated with “extremist organizations” from running for parliament; it was subsequently expanded to a ban on running in any election for public office.¹⁰ Shortly after the law’s adoption, the organizations affiliated with Navalny were designated as “extremist.” This led to over 30 candidates, including several prominent opposition figures, being forced to step down from the September parliamentary or municipal elections.

Similarly, authorities used other extremism charges to prevent opposition candidates from running in September 2022 local elections. In slightly over a month from the start of the electoral campaign in mid-June, at least 24 people—Moscow municipal deputies or activists who expressed intention to run—were reported to have been arrested and/or charged with using extremist symbols and then struck from electoral lists on the basis of old social media posts related to Navalny or “Smart Voting.”¹¹

¹⁰ Bill “On amendments to the Article 4 of the Federal law “On basic guarantees of electoral rights and right to participate in a referendum of the Russian Federation citizens” and to Article 4 of the Federal law “On elections of deputies of the State Duma of the Federal Assembly of the Russian Federation,” no.1165649-7, <https://sozd.duma.gov.ru/bill/1165649-7>

¹¹ Yelizaveta Lamova, “The number of candidates for Moscow municipal elections has decreased in comparison with 2017” (“Число кандидатов в московские мундепы снизилось по сравнению с 2017 годом”), RBC, July 27, 2022, <https://www.rbc.ru/politics/27/07/2022/62de87cd9a7947ecb732d53d>

On March 2, 2023, SOVA, a leading Russian think tank, published a [report](#) finding that in 2022, 192 people were convicted on groundless “extremism” charges and that 250 more people are awaiting a verdict in similarly groundless prosecutions initiated against them.